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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,511	01/27/2004	Edward Snow Willis II	555255012694	2513
43563	7590	07/02/2007		
MOFFAT & CO 427 LAURIER AVEUE W., SUITE 1200 OTTAWA, ON K1R 7Y2 CANADA			EXAMINER STEELMAN, MARY J	
			ART UNIT	PAPER NUMBER
			2191	
			MAIL DATE	DELIVERY MODE
			07/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/765,511	Applicant(s) WILLIS, EDWARD SNOW	
	Examiner MARY STEELMAN	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10a, 10b, & 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-10a, 10b, & 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to Remarks and Amendments received 12/01/2006. Per Applicant's request, claims 1, 2, 4, 5, 7, 10a, 10b, and 11 have been amended. Claims 1-10a, 10b, & 11 are pending. Per Applicant's request, the Abstract has been replaced.

Specification

2. In view of the amendment to the Abstract, the prior objection is hereby withdrawn. In view of the Amendment to the Specification, the prior objection is hereby withdrawn.

Claim Objections

3. In view of the amendment to claims 4 & 7, the prior objections are hereby withdrawn. In view of the amendments to the numbering of claims, the prior objection is hereby withdrawn. (Claims 10a, 10b, and 11 will be renumbered in order if claims are found to be allowable.)

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application

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claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) or 1.321 (d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-11 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of US Patent 7,222,340 (Application No. 10/765512). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-15 of US Patent 7,222,340 (Application No. 10/765512) contains every element of claims 1-11 of the instant application, and thus anticipate the claims of the instant application. For example, claim 1 in both applications, both claims check to see if a unique identifier exists and if it does exist to compare the unique identifier with a software identifier. Both also claim if a unique identifier is different

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or does not exist, to update and write the software identifier to the unique identifier, however, application 10/765511 claims updating through a network. Therefore, it would be obvious that the wireless device in US Patent 7,222,340 (Application 10/765512) would receive and transmit data to update through a network also. It is also obvious that the dependent claims of both applications are the same.

Claims 1-11 are rejected on the ground of nonstatutory double patenting over claims 1-15 of U. S. Patent No. 7,222,340 (Application 10/765512) since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

In view of the amendment to claim 7, the prior 112 rejection is hereby withdrawn. Per Applicant's request, claim 7 has been amended from 'NV management policies' to "non-volatile memory management schemes", referencing page 10, line 1 of the Specification.

7. 10a is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the

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specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 10a: the word "traditional management " was not defined and will be interpreted to mean "default", or anything not defined as 'dynamic management.' The "rules" (page 9 & 10 of Specification) mention "dynamic management" and "traditional management".

8. In consideration of the content of the Specification (page 3, lines 17-31), a microprocessor and input and output subsystems support the 'means for' language in claim 10b. As such, the prior rejection of claim 10b, as related to 112 6th paragraph are withdrawn.

Claim Rejections - 35 USC § 101

9. In view of the amendments to claims 1-11, the prior 35 U.S.C. 101 rejections are hereby withdrawn.

Response to Arguments

10. Applicant has argued, in substance:

(A) Applicant has noted (page 12, 4th, 5th paragraphs), "nothing within the Birum reference teaches the upgrading of non-volatile memory items per se. Rather, resources are being updated..."

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Examiner's Response: Birum disclosed (col. 1: 40-61) transparently changing versions of an application on a client (upgrading non volatile memory). A list of resources in a current version is created / compared to a list of resources in a new version. Resources that are needed on the client for the new version are then configured on the client. Resources are files necessary to install a new version in a client device. Col. 2: 43-46, "The term 'resource' is any data an application uses for execution...may be a particular portion of a file...a data file, a dynamic link library, **an executable program, a component**, and the like." Col. 5: 23-31 discloses a cache segmentation, logical or physical, where a client stores new version resources. As another example, Birum disclosed a persistently stored configuration file at col. 5: 51.

(B) Applicant argues limitations of claim 1 (page 12, 5th paragraph), "if said unique identifier item exists, checking whether a value stored in said unique identifier item is the same as a software identifier located in software on said wireless device"

Examiner's Response:

[0006, "current version of an application is created and compared to the list of resources in a new version (**unique identifier item** for each resource in new version, V2)"; 0029, where the process compares the resource (each unique identifier item / resource in new version) in V2 with the resource in V1 (**software identifier**, for each resource stored in current version, V1) ."] located in software [0009, "for the new version stored locally on the client" (Since software identifier stored in software, therefore it is \ inherent that the new version must be stored locally.)] on said

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wireless device [Figure 1, "140"; 0051, "wireless links" (Wireless is creating a wireless link therefore, it is inherent you have a wireless device.)];

(C) Applicant argues limitations of claim 1 (page 13, 3rd & 4th paragraphs), "writing said software identifier to said unique identifier item"

Examiner's Response: [0045, "the process may maintain data contained in the old configuration file while modifying the configuration file to be compatible with the new version." (Modifying old configuration file to be compatible with new version allows easy tracking both old and new version)] (Writing V1 software identifier to said V2 unique identifier item, to maintain data.)

(D) Applicant argues limitations of claim 10a (page 14, 3rd paragraph). Birum does not teach, "checking non-volatile memory items to see if a unique identifier item exists, checking the value in the unique identifier item against a software identifier and if the unique identifier item does not exist or if this unique identifier item is different from the software identifier, receiving a set of changes and then writing the software identifier to the unique identifier item."

Examiner's Response:

[0006, "current version (V1, including resources and related software identifiers) of an application is created and compared (check value against value to see if exists / different) to the list of resources in a new version (V2, including resources and related unique identifier items)";

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0029, "where the process compares the resource in V2 with the resource in V1 ."]

-if said unique identifier item does not exist [0039, "when a resource exists in V2 that does not exist in V1..." (unique identifier item for resource item in V2 does not exist as a software identifier for resource item in V1)] or if said identifier is different from said software identifier [0030, "If the resources are different..." (unique identifier item / V2 is different from software identifier/ V2)], performing steps of:

-sending said software identifier along with an identifier [0046, "a client can change a file, such as a configuration file, and cause that file to be sent back to a server." (Configuration file that consists of identifiers)] indicating a carrier [0054, "carrier wave"] to said network [Figure 1, "140"];

-receiving a set of changes from said network [Figure 1; 0051, "receives transmitted messages"] to update said non-volatile memory items, said updating step: [0011, "resources needed for the new version that are not in the current version (unique identifier items in V2 resources that are not in software identifiers of resources for current version V1) "]

-creating a new non-volatile memory item rather than replacing an existing non-volatile memory item to facilitate rollback;

[0045, "should not be overwritten...the upgrade list may specify that it should not be replaced."]

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-retaining non-volatile memory items that have previously been created;

[0041, "the client may or may not actually delete"; 0045, "upgrade list may specify that it should not be replaced."]

-avoiding non-volatile memory items created under traditional management;

[0045, "When so designated, if such resources do not exist on a client computer, they may be updated with a "default"..." ("Traditional provisioning mechanisms" are considered well-known methods because "traditional" indicates old and well known.))]

-writing said software identifier to said unique identifier item [0045, "the process may maintain data contained in the old configuration file while modifying the configuration file (writing after update) to be compatible with the new version." (Modifying old configuration file to be compatible with new version allows easy tracking both old and new version)], whereby said creating, retaining, and avoiding steps in said updating step allows rollback to previous versions of software on said wireless device [0006, "the version of an application may be updated or rolled back"]

(E) Applicant argues the limitations of claim 10b (col. 14, 4th paragraph), Applicant argues that Examiner has not been consistent in referencing 'said unique identifier item'.

Examiner's Response:

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-means for checking said non-volatile memory items for a unique identifier item,

See FIG. 4 & related text at [0022]. Resources are listed for a current version at 405 (**software identifiers for resource items in V1**). At step 430 (& FIG. 6) resource list, with **unique identifier item, for V2** is identified.

-means for checking whether a value stored in said unique identifier item is the same as a software identifier

[0006, "current version of an application is created and compared to the list of resources in a new version"; 0029, "where the process compares the resource in V2 (**unique identifier items**) with the resource in V1 (**software identifiers**)."];

(F) Amended limitation in 10b, "and writing said software identifier (a V1 resource item identifier) to said unique identifier item (a V2 resource item identifier)" is a newly added limitation. Rejection is found below.

(G) Regarding claim 3, applicant argues that the writing step (of claim 1) is performed after the updating (executing said set of changes to update of claim 1) is complete.

Examiner's Response:

[0009, "client downloads the resources..., modifies a data structure..."; 0045, "while modifying the configuration file to be compatible with the new version."]. Writing to the configuration file occurs after updating to the new version.

Examiner maintains the rejections of claims 1-11.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21 (2) of such treaty in the English language.

12. Claims 1 and 3-10b are rejected under 35 U.S.C. 102(e) as being anticipated by Birum et al (US PG PUB 2003/0221189).

Claim 1:

A method of dynamically managing non-volatile memory items in a wireless device through a network, said method comprising the steps of:

-when connecting to said network [Figure 1], checking for a unique identifier item stored in said

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non-volatile memory items [0022, "where resources that belong to a particular version of an application are identified and placed in a list (hereinafter this version is called "VI")"];

-if said unique identifier exists, checking whether a value stored in said unique identifier item is the same as a software identifier [0006, "current version of an application is created and compared to the list of resources in a new version"; 0029, where the process compares the resource in V2 with the resource in V1 ."] located in software [0009, "for the new version stored locally on the client" (Since software identifier stored in software, therefore it is \ inherent that the new version must be stored locally.)] on said wireless device [Figure 1, "140"; 0051, "wireless links" (Wireless is creating a wireless link therefore, it is inherent you have a wireless device.)];

-if said unique identifier item does not exist [0039, "When a resource exists in V2 that does not exist in VI"] or if said identifier is different from said software identifier [0030, "If the resources are different"], sending said software identifier along with an identifier [0046, "a client can change a file, such as a configuration file, and cause that file to be sent back to a server." (Configuration file that consists of identifiers)] indicating a carrier [0054, "carrier wave"] to said network [Figure 1, "140"];

-receiving from said network [Figure 1; 0051, "receives transmitted messages"] a set of changes related to said software [0011, "resources needed for the new version that are not in the current

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version"];

-executing said set of changes

[Figure 7, "715"] to update said non-volatile memory items [0043, "downloaded all or a subset of the resources required to change a version"]; and

-writing said software identifier to said unique identifier item

[0045, "the process may maintain data contained in the old configuration file while modifying the configuration file to be compatible with the new version." (Modifying old configuration file to be compatible with new version allows easy tracking both old and new version)]

-otherwise end.

See FIG. 4, #410, No step if there is no unique identifier identified with a version change.

Claim 3:

-said writing step is performed after said updating step is complete

[0009, "client downloads the resources..., modifies a data structure..."; 0045, "while modifying the configuration file to be compatible with the new version."].

Claim 4:

-said updating step allows rollback to a previous software version

[0006, "the version of an application may be updated or rolled back"].

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Claim 5:

-said updating step creates a new non-volatile memory item rather than replacing an existing non-volatile memory item to facilitate rollback to said existing non-volatile memory item.

[0045, "should not be overwritten...the upgrade list may specify that it should not be replaced."].

Claim 6:

-said updating step does not delete non-volatile memory items that have previously been created
[0041, "the client may or may not actually delete"; 0045, "upgrade list may specify that it should not be replaced."].

Claim 7:

-non-volatile memory items managed under other non-volatile memory management schemes are not updated in said updating step

[0038, "If the client has the most recent version, it may begin executing an application associated with the content." (If the versions are the same then there is no need to update.)].

Claim 8:

-software on said wireless device includes a mapping from old non-volatile memory items to new non-volatile memory items

[0045, "process may maintain data contained in the old configuration file while modifying the configuration file to be compatible with the new version." (Modifying configuration file to make

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it compatible requires mapping of the two versions.)).

Claim 9:

-said mapping is modified using said set of changes

[0045, "process may maintain data contained in the old configuration file while modifying the configuration file to be compatible with the new version." (In order to modify old configuration file you need to have a set of changes to make it compatible with new version.))].

Claim 10a:

A method for dynamically managing non-volatile memory items on a wireless device during registration to a network, said method allowing rollback to previous versions of software using said non-volatile memory items, said method comprising the steps of:

-on registration [0051, are "intermediary devices on a communications network..., remotely connected"], checking the non-volatile memory items for a unique identifier [0022, "where resources that belong to a particular version of an application are identified and placed in a list (hereinafter this version is called "VI")"];

-if said unique identifier item exists, checking whether a value in said unique identifier item is the same as a software identifier; [0006, "current version of an application is created and compared to the list of resources in a new version"; 0029, "where the process compares the

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resource in V2 with the resource in V1 ."]

-if said unique identifier item does not exist [0039, "when a resource exists in V2 that does not exist in V1..."] or if said identifier is different from said software identifier [0030, "If the resources are different..."], performing steps of:

-sending said software identifier along with an identifier [0046, "a client can change a file, such as a configuration file, and cause that file to be sent back to a server." (Configuration file that consists of identifiers)] indicating a carrier [0054, "carrier wave"] to said network [Figure 1, "140"];

-receiving a set of changes from said network [Figure 1; 0051, "receives transmitted messages"] to update said non-volatile memory items, said updating step: [0011, "resources needed for the new version that are not in the current version"]

-creating a new non-volatile memory item rather than replacing an existing non-volatile memory item to facilitate rollback;

[0045, "should not be overwritten...the upgrade list may specify that it should not be replaced."]

-retaining non-volatile memory items that have previously been created;

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[0041, "the client may or may not actually delete"; 0045, "upgrade list may specify that it should not be replaced."]

-avoiding non-volatile memory items created under traditional management;

[0045, "When so designated, if such resources do not exist on a client computer, they may be updated with a "default"..." ("Traditional provisioning mechanisms" are considered well-known methods because "traditional" indicates old and well known.)]

-writing said software identifier to said unique identifier item [0045, "the process may maintain data contained in the old configuration file while modifying the configuration file to be compatible with the new version." (Modifying old configuration file to be compatible with new version allows easy tracking both old and new version)], whereby said creating, retaining, and avoiding steps in said updating step allows rollback to previous versions of software on said wireless device [0006, "the version of an application may be updated or rolled back"]

-otherwise ending.

See FIG. 4, #410, No step if there is no unique identifier identified with a version change.

Claim 10b:

A wireless communication device comprising:

-a receiver for receiving signals from a network; [0051, "receives transmitted messages"]

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-a transmitter for transmitting signals to a network; [0051, "receives transmitted messages and forwards them to their correct destinations over available routes."]

-a digital signal processor for processing signals to be sent on said transmitter and received on said receiver; [Figure 3, "302"]

-a microprocessor communicating with said digital signal processor; [Figure 3, "306"]

-non-volatile memory having program storage and non-volatile memory items

[0061, "Computer storage media may include volatile and nonvolatile, removable..."], said non-volatile memory communicating with said microprocessor [0051, "many computers through a mesh of possible connections..."; 0061, "store the desired information and which can be accessed by a computing device."]; and input and output subsystems interacting with said microprocessor,

wherein said microprocessor including: [Figure 3, "320"]

-means for checking said non-volatile memory items for a unique identifier item,

See FIG. 4 & related text at [0022]. Resources are listed for a current version at 405 (**software identifiers for resource items in V1**). At step 430 (& FIG. 6) resource list, with **unique identifier item, for V2** is identified.

-means for checking whether a value stored in said unique identifier item is the same as a software identifier

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[0006, "current version of an application is created and compared to the list of resources in a new version"; 0029, "where the process compares the resource in V2 (**unique identifier items**) with the resource in V1 (**software identifiers**)."];

-means for updating said non-volatile memory; [0045, "downloaded all or a subset of the resources required to change a version"]

-wherein if said means for checking said non-volatile memory for a unique identifier item finds that said unique identifier item does not exist [0039, "When a resource exists in V2 that does not exist in V1"] or said means for checking whether said value finds said value is different from said software identifier [0030, "If the resources are different"],

-said wireless device sends said software identifier to said network and receives a set of changes, [0046, "a client can change a file, such as a configuration file, and cause that file to be sent back to a server." (Configuration file that consists of identifiers); 0051, "receives transmitted messages"] from said network [Figure 1]

-said means for updating said non-volatile memory executing said set of changes [0043, downloaded all or a subset of the resources required to change a version]

-and writing said software identifier to said unique identifier item.

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[0045, "the process may maintain data contained in the old configuration file while modifying the configuration file to be compatible with the new version." (Modifying old configuration file to be compatible with new version allows easy tracking both old and new version)]

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Determining the scope and contents of the prior art.

Ascertaining the differences between the prior art and the claims at issue. Resolving the level of

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ordinary skill in the pertinent art. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birum et al (2003/0221189), in view of Moore et al (2002/0078142).

Claim 2 and 11:

Birum discloses the method as in claims 1 and 10b above, but does not disclose the unique identifier item value and software identifier as being operating system version numbers. Moore does disclose a similar method as in claim 1 and 10b, and in addition the identifiers are version numbers [Figure 6A]. Birum and Moore are in the same field of endeavor so it would have been obvious to a person of ordinary skill in the art at the time the invention was made to create unique version number and compare version numbers in order to insure comparing not only the same software but also the same version of the software.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Roush (US Patent Application Publication 2004/0216133) discloses a method and a system for software upgrades with multiple versions.

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Gentoo Linux Documentation - Portage manual discloses updating and having multiple versions.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman

06/19/2007


